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Washington, Wednesday, April 1, 1936

PRESIDENT OF THE UNITED STATES.

EXECUTIVE ORDER

DESIGNATING GEORGE L. BERRY AS COORDINATOR FOR INDUSTRIAL COOPERATION

By virtue of and pursuant to the authority vested in me by the Emergency Relief Appropriation Act of 1935, approved April 8, 1935, (Public Resolution No. 11, 74th Congress) and to make possible the more effective use of said enactment, it is hereby ordered as follows:

1. George L. Berry is designated as Coordinator for Industrial Cooperation, and charged with the following functions and duties:

To arrange for and supervise, subject to the direction of the President, conferences of representatives of industry, investors, labor and consumers for consideration of means of supplementing the Government's efforts by providing employment for the greatest possible number of employable persons and of improving and maintaining industrial, commercial and labor standards as they affect employment, and to submit reports and recommendations to the President with respect thereto.

The Coordinator is to serve without salary but is authorized to incur such expenses as may be necessary to the performance of the functions herein authorized, and to appoint, without regard to the civil service laws, such officers and employees as may be necessary, prescribe their duties and responsibilities, and, without regard to the Classification Act of 1923, as amended, to fix the compensation of any officers and employees so appointed.

2. Allocations will be made hereafter for the administrative expenses of the Coordinator for Industrial Cooperation.

3. The Secretary of Commerce shall provide space and equipment adequate for the requirements of the work of the Coordinator for Industrial Cooperation.

4. This order shall become effective April 1, 1936.

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE,
March 30, 1936.

[No. 7324]

[Filed, March 31, 1936; 12:03 p. m.]

EXECUTIVE ORDER

PARTIAL REVOCATION OF EXECUTIVE ORDER NO. 1967-A OF JUNE 23, 1914, AND RESERVATION OF THE LANDS RELEASED THEREBY FOR TOWN-SITE ENTRY UNDER THE ACT OF MARCH 3, 1891

Alaska

By virtue of and pursuant to the authority vested in me by the act of March 12, 1914, 38 Stat. 305, 307, it is ordered

(1) that Executive Order No. 1967-A of June 23, 1914, withdrawing certain lands in Alaska, be, and it is hereby, revoked as to the tract of land identified as Survey No. 2158, containing 26.16 acres, and (2) that the said tract be, and it is hereby, withdrawn and reserved for town-site entry under the act of March 3, 1891, 26 Stat. 1095, 1099.

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE,

March 30, 1936.

[No. 7325]

[Filed, March 31, 1936; 12:04 p. m.]

EXECUTIVE ORDER

PARTIAL REVOCATION OF EXECUTIVE ORDER NO. 5862 OF JUNE 23, 1932, WITHDRAWING PUBLIC LANDS

Colorado

By virtue of and pursuant to the authority vested in me by the act of June 25, 1910, ch. 421, 36 Stat. 847, as amended by the act of August 24, 1912, ch. 369, 37 Stat. 497, Executive Order No. 5862 of June 23, 1932, withdrawing, together with other lands, public lands in T. 5 N., R. 81 W. of the sixth principal meridian, Colorado, pending a resurvey, is hereby revoked as to the said township.

This order shall become effective upon the date of the official filing of the plat of resurvey of the said township.

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE,

March 30, 1936.

[No. 7326]

[Filed, March 31, 1936; 12:04 p. m.]

EXECUTIVE ORDER

REVOCATION OF EXECUTIVE ORDER NO. 6077 OF MARCH 15, 1933, WITHDRAWING PUBLIC LANDS

New Mexico

By virtue of and pursuant to the authority vested in me by the act of June 25, 1910, ch. 421, 36 Stat. 847, as amended by the act of August 24, 1912, ch. 369, 37 Stat. 497, Executive Order No. 6077 of March 15, 1933, withdrawing public lands in T. 12 S., R. 7 W. of the New Mexico principal meridian, New Mexico, pending a resurvey, is hereby revoked.

This order shall become effective upon the date of the official filing of the plat of resurvey of the said township.

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE,

March 30, 1936.

[No. 7327]

[Filed, March 31, 1936; 12:05 p. m.]



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EXECUTIVE ORDER

REVOCATION OF EXECUTIVE ORDER NO. 6267 OF SEPTEMBER 6, 1933,
WITHDRAWING PUBLIC LANDS

New Mexico

By virtue of and pursuant to the authority vested in me by the act of June 25, 1910, ch. 421, 36 Stat. 847, as amended by the act of August 24, 1912, ch. 369, 37 Stat. 497, Executive Order No. 6267 of September 6, 1933, withdrawing public lands in T. 24 N., R. 9 W., and T. 26 N., R. 10 W. of the

New Mexico principal meridian, New Mexico, pending resurvey, is hereby revoked.

This order shall become effective upon the date of the official filing of the plats of resurvey of the said townships.

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE,

March 30, 1936.

[No. 7328]

[Filed, March 31, 1936; 12:05 p. m.]

EXECUTIVE ORDER

AUTHORIZING THE ACQUISITION OF LAND NEAR PETERSBURG,
VIRGINIA, FOR EMERGENCY CONSERVATION WORK

WHEREAS various lands owned by the United States constituting the Petersburg National Military Park in the State of Virginia lack adequate protection from insect infestation, fire, and soil erosion by reason of the present condition of privately-owned lands contiguous thereto and in the vicinity thereof; and

WHEREAS the acquisition by the United States of such privately-owned lands will permit work and improvements thereon that will provide for the said public lands disease control and protection from fires and soil erosion, and will aid in the restoration of the country's depleted natural resources; and

WHEREAS the acquisition of the said lands is required by the United States to conduct Emergency Conservation Work activities thereon, such as moving and planting of trees, fire break maintenance, fire pre-suppression, seeding and sodding, construction of trails and buildings, restoration of historical earthworks, etc.; and

WHEREAS the acquisition of such lands will provide employment for citizens of the United States who are unemployed;

NOW, THEREFORE, by virtue of and pursuant to the authority vested in me by the act of March 31, 1933, (ch. 17, 48 Stat. 22), as extended by the Emergency Relief Appropriation Act of 1935 (49 Stat. 115), the acquisition of a parcel of land known as the Crater property, consisting of approximately 170 acres, together with such other lands within a distance of one-half mile from the boundaries of the said Crater property as are suitable or necessary for the aforesaid purposes, is hereby authorized; and by virtue of and pursuant to the authority vested in me by the Fourth Deficiency Act, fiscal year 1933 (48 Stat. 274, 275), and the said Emergency Relief Appropriation Act of 1935, the sum of \$30,000 is hereby allocated for the acquisition, in fee simple, of the said lands from funds appropriated or made available by the said Emergency Relief Appropriation Act of 1935.

The sum herein allocated for the acquisition of the said lands shall be transferred from the appropriation made by said Act to the Director, Emergency Conservation Work, for immediate transfer to the Department of the Interior, subject to requisition by the Director of the National Park Service, Department of the Interior, for the acquisition of the said lands, and may be expended under the direction of the Secretary of the Interior or by the Director of the National Park Service or by such other agency or agencies as the Secretary of the Interior may designate.

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE,

March 30, 1936.

[No. 7329]

[Filed, March 31, 1936; 12:06 p. m.]

EXECUTIVE ORDER

MODIFICATION OF EXECUTIVE ORDER NO. 6910 OF NOVEMBER 26, 1934, AS AMENDED, WITHDRAWING PUBLIC LANDS IN CERTAIN STATES

By virtue of and pursuant to the authority vested in me by the act of June 25, 1910, ch. 421, 36 Stat. 847, as amended

by the act of August 24, 1912, ch. 369, 37 Stat. 497, it is ordered that Executive Order No. 6910 of November 26, 1934, as amended by Executive Order No. 7048 of May 20, 1935, temporarily withdrawing all public lands in certain states for classification and other purposes, be, and it is hereby modified to the extent of authorizing the Secretary of the Interior to withdraw the following tracts of public land for reclamation purposes under and pursuant to the provisions of section 3 of the act of June 17, 1902, 32 Stat. 388:

CALIFORNIA

MOUNT DIABLO MERIDIAN

- T. 34 N., R. 2 W., Section 30, E $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, and lot 3;
 T. 33 N., R. 3 W.,
 Section 6, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Section 12, SE $\frac{1}{4}$ NE $\frac{1}{4}$;
 T. 34 N., R. 3 W.,
 Section 15, SW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, and W $\frac{1}{2}$ of lot 5;
 Section 20, SE $\frac{1}{4}$ NE $\frac{1}{4}$, and lot 1;
 Section 30, NE $\frac{1}{4}$ NW $\frac{1}{4}$;
 T. 33 N., R. 4 W., Section 2, lots 2 and 3;
 T. 34 N., R. 4 W.,
 Section 4, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Section 28, E $\frac{1}{2}$ NE $\frac{1}{4}$;
 T. 35 N., R. 4 W., Section 30, NE $\frac{1}{4}$ NW $\frac{1}{4}$;
 T. 32 N., R. 5 W.,
 Section 4, W $\frac{1}{2}$ of lots 9 and 11, E $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ S $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, and N $\frac{1}{2}$ and SE $\frac{1}{4}$ of lot 5;
 Section 8, N $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Section 9, SE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$;
 Section 17, SE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, and lots 1 and 6;
 Section 25, N $\frac{1}{2}$ N $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, and S $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$;
 T. 33 N., R. 5 W.,
 Section 6, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Section 21, N $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$;
 Section 32, SE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ E $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ and W $\frac{1}{2}$ of lot 1;
 T. 34 N., R. 5 W.,
 Section 10, NE $\frac{1}{4}$ NW $\frac{1}{4}$;
 Section 22, NW $\frac{1}{4}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Section 26, SE $\frac{1}{4}$ and SE $\frac{1}{4}$ NW $\frac{1}{4}$;
 T. 35 N., R. 5 W.,
 Section 26, SE $\frac{1}{4}$ SW $\frac{1}{4}$.

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE,
 March 30, 1936.

[No. 7330]

[Filed, March 31, 1936; 12:06 p. m.]

TREASURY DEPARTMENT.

Federal Alcohol Administration.

REGULATIONS RELATING TO LABELING AND ADVERTISING OF WINE

[Regulations No. 4, prescribed under the Provisions of the Federal Alcohol Administration Act, Approved August 29, 1935 (Public No. 401, 74th Congress)]

ARTICLE I. DEFINITIONS

As used in these regulations—

- (a) The term "act" means the Federal Alcohol Administration Act.
 (b) The term "Administration" means the Federal Alcohol Administration.
 (c) The term "Administrator" means the head of the Federal Alcohol Administration.
 (d) The term "permittee" means any person holding a basic permit under the Federal Alcohol Administration Act.
 (e) The term "wine" means (1) wine as defined in section 610 and section 617 of the Revenue Act of 1918 (U. S. C., title 26, secs. 441 and 444) as amended, and (2) other alcoholic beverages not so defined, but made in the manner of wine, including sparkling and carbonated wine, wine made from condensed grape must, wine made from other agricultural products than the juice of sound, ripe grapes, imitation wine, compounds sold as wine, vermouth, cider, perry, and sake; in each instance only if containing not less than 7 per centum, and not more than 24 per centum of alcohol by volume, and if for nonindustrial use.

(f) The term "red wine" means wine containing red coloring matter derived from the skins, juice, or pulp of grapes.

(g) The term "white wine" means wine made from white grapes, or from the expressed fresh juice of other grapes but not containing the red coloring matter of the skins, juice, or pulp of grapes.

(h) The term "vintage wine" means a wine made wholly from grapes gathered in the same calendar year and grown and fermented in the same viticultural area, and conforming to the standards prescribed in classes 1, 2, and 6 of article II hereof.

(i) The term "container" means any bottle, barrel, cask, or other closed receptacle irrespective of size or of the material from which made for use for the sale of wine at retail. The term "bottler" means any person who places wine in containers of a capacity of 1 gallon or less; and the term "packer" means any person who places wine in containers of a capacity in excess of 1 gallon.

(j) The term "gallon" means United States gallon of 231 cubic inches of alcoholic beverage at 68° F. (20° C.). All other liquid measures used are subdivisions of the gallon as so defined.

(k) The term "brand label" means the label carrying, in the usual distinctive design, the brand name of the wine.

(l) The term "United States" means the several States and Territories and the District of Columbia; the term "State" includes a Territory and the District of Columbia; and the term "Territory" means Alaska, Hawaii, and Puerto Rico.

(m) The term "interstate or foreign commerce" means commerce between any State and any place outside thereof, or commerce within any Territory or the District of Columbia, or between points within the same State but through any place outside thereof.

(n) The term "person" means any individual, partnership, joint-stock company, business trust, association, corporation, or other form of business enterprise, including a receiver, trustee, or liquidating agent, and including an officer or employee of any agency of a State or political subdivision thereof; and the term "trade buyer" means any person who is a wholesaler or retailer.

(o) Any other term defined in the Federal Alcohol Administration Act and used herein shall have the same meaning assigned to it by such act.

ARTICLE II. STANDARDS OF IDENTITY FOR WINE

SEC. 20. *Application of standards.*—The standards of identity for the several classes and types of wine set forth herein shall be applicable to all regulations and permits issued under the act. Whenever any term for which a standard of identity has been established herein is used in any such regulation or permit such term shall have the meaning assigned to it by such standard of identity.

SEC. 21. *The standards of identity.*—Standards of identity for the several classes and types of wine set forth herein shall be as follows:

CLASS 1. *Light wine.*—(a) "Light wine" is the product made from the normal alcoholic fermentation of the juice of sound, ripe grapes, without addition or abstraction, except such as may occur in the usual cellar treatment of clarifying and aging: *Provided*, That there may be added to the must or to the wine a solution of water and pure cane, beet, or dextrose sugar (containing, respectively, not less than 95 percent of actual sugar calculated on a dry basis), for the purpose of correcting natural deficiencies, if the resulting product contains not less than five parts per thousand of acid before fermentation and not more than 13 percent of alcohol by volume after complete fermentation, and if the volume of the resulting product is not increased more than 35 percent; *And provided further*, That there may be added to the wine after complete fermentation, a dosage of brandy, sugar, sugar solution, or fortified wine, separately or in combination, so far as permitted by the internal-revenue laws, if the resulting product does not contain more than 14 percent of alcohol by volume.

In 100 cubic centimeters (20° C.) of light wine there shall not be, if a red wine, more than 0.14 gram exclusive of

sulphur dioxide, and, if a white wine, more than 0.12 gram exclusive of sulphur dioxide, of volatile acid calculated as acetic acid.

CLASS 2. Sparkling wine.—(a) "Sparkling wine" is a light wine made effervescent with carbon dioxide resulting solely from the secondary fermentation of the wine within a closed container, tank, or bottle.

(b) "Champagne" is a type of white sparkling wine which derives its effervescence solely from the secondary fermentation of the wine within glass containers of not greater than 1 gallon capacity, and which possesses the taste, aroma, and other characteristics attributed to champagne as made in the champagne district of France.

CLASS 3. Carbonated wine.—"Carbonated wine" is light wine made effervescent with carbon dioxide other than that resulting solely from the secondary fermentation of the wine within a closed container, tank, or bottle.

CLASS 4. Citrus fruit wine.—"Citrus fruit wine" is the product of normal alcoholic fermentation of the juice of sound, ripe citrus fruit (except lemons and limes), with or without the addition of dry cane, beet, or dextrose sugar (containing, respectively, not less than 95 percent of actual sugar, calculated on a dry basis) for the purpose of perfecting the product according to standards, but without the addition or abstraction of other substances, except as may occur in the usual cellar treatment of clarifying or aging, if the resulting product does not contain over 13 percent of alcohol by volume after complete fermentation: *Provided*, That there may be added to the wine after complete fermentation a dosage of brandy, sugar, sugar solution, or fortified wine, separately or in combination, so far as permitted by internal-revenue laws, if the resulting product does not contain more than 14 percent of alcohol by volume.

Citrus fruit wine shall be designated by the name of the citrus fruit used, e. g., "orange wine", "grapefruit wine".

CLASS 5. Fruit or vegetable wine.—(a) "Fruit wine" (other than light wine or citrus fruit wine as above defined), or "Vegetable wine" is a product made by the alcoholic fermentation of the juice or pulp of raisins or other fruits or of vegetables, in accordance with the commonly accepted method of the manufacture of such product: *Provided*, That if a solution of water and pure cane, beet, or dextrose sugar is added for the sole purpose of correcting natural deficiencies, in accordance with internal-revenue laws, the resulting product may not contain more than 13 percent of alcohol by volume after complete fermentation: *And provided further*, That there may be added to the wine after complete fermentation a dosage of brandy, sugar, sugar solution, or fortified wine, separately or in combination, so far as permitted by internal-revenue laws, if the resulting product does not contain more than 14 percent of alcohol by volume.

Fruit or vegetable wine shall be designated by the name of the fruit or vegetable used, e. g., "raisin wine", "peach wine", "blackberry wine".

(b) "Cider" and "perry" are the products made by the alcoholic fermentation of the juice or pulp of apples and pears respectively, and shall bear such respective designations: *Provided*, That if such products are made in the manner of wine and have vinous taste, aroma, and characteristics, they may bear the respective designations "apple wine" and "pear wine".

(c) "Sake" is a wine made from rice in accordance with the commonly accepted method of manufacture of such product.

CLASS 6. Fortified wine.—(a) "Fortified wine" is the product made by the addition of such brandy or alcohol as is permitted under internal-revenue laws to—

(1) Light wine, as defined above; or

(2) The product resulting from the fermented or partially fermented juice of sound, ripe grapes, with the usual cellar treatment of clarifying and aging, and with no other substance whatever introduced before, at the time of, or after fermentation, except that there may be added to the juice before fermentation, or to the fermented product of the juice, or to both, pure boiled or condensed grape must or

pure crystallized cane or beet sugar, or pure dextrose sugar (containing, respectively, not less than 95 percent of actual sugar calculated on a dry basis), or water, or any or all of them: *Provided*, That the added sugar is not in excess of 11 percent of the weight of the wine to be fortified, and the added water is not in excess of 10 percent of the weight of the wine or juice to which added, and the wine to which the water is added does not, after fermentation, have an alcoholic content of less than 5 percent by volume.

In 100 cubic centimeters (20° C.) of fortified wine there shall not be more than 0.12 gram exclusive of sulphur dioxide of volatile acid calculated as acetic acid.

(b) "Angelica", "Madeira", "Muscatel", and "Port" are types of fortified wine having the taste, aroma, and characteristics generally attributed to these products and containing not less than 18 percent of alcohol by volume.

(c) "Sherry" is a type of fortified wine having the taste, aroma, and characteristics generally attributed to this product and containing not less than 17 percent of alcohol by volume.

(d) "Light port" and "light sherry" are types of fortified wine having the taste, aroma, and characteristics generally attributed to "port" and "sherry", respectively, and containing not less than 14 percent of alcohol by volume.

CLASS 7. Fortified citrus fruit wine.—"Fortified citrus fruit wine" is the product made by the addition of such brandy or alcohol as is permitted under internal-revenue laws to citrus fruit wine, as defined above.

Fortified citrus fruit wine shall be designated by the name of the citrus fruit wine used, preceded by or in direct conjunction with the word "fortified", e. g., "fortified orange wine", "fortified grapefruit wine".

CLASS 8. Fortified fruit wine or fortified vegetable wine.—"Fortified fruit wine" or "fortified vegetable wine" are products made by the addition of brandy or alcohol to "fruit wine" or "vegetable wine", respectively, as defined above.

Fortified fruit wine or fortified vegetable wine shall be designated by the name of the fruit wine or vegetable wine used, preceded by or in direct conjunction with the word "fortified", e. g., "fortified blackberry wine", "fortified raisin wine", "fortified peach wine".

CLASS 9. Vermouth.—(a) "Vermouth" is a compound having an alcoholic content of not less than 15 percent by volume, made by the mixture of extracts from macerated aromatic flavoring materials with (1) light wine and brandy, (2) fortified wine, or (3) fortified wine and brandy, and manufactured in such manner that the product possesses the taste, aroma, and characteristics generally attributed to vermouth.

(b) A compound having the taste, aroma, and characteristics generally attributed to vermouth, but which does not conform to the definition of "vermouth" in (a) above, including any compound made by the mixture of extracts from macerated aromatic flavoring materials with light wine only or with diluted alcohol or brandy, shall not contain the word "vermouth" as a part of its designation, unless such designation is immediately preceded by the word "imitation" in the same size and kind of type.

CLASS 10. Imitation, concentrate, and substandard wine.—(a) "Imitation wine" shall include the following when offered for sale as wine:

(1) Compounds made from synthetic materials, or by the addition of natural or synthetic flavoring material to distilled spirits;

(2) Products made by the addition of water to residue (skins, seeds, pulp) remaining after the thorough pressing of fresh grapes.

The label for imitation wines shall include the word "imitation" in direct conjunction with and in the same size and kind of type as the class or type designation.

(b) "Concentrate wine" is any wine made from a must concentrated at any time to more than 80° (Balling), and the label for such wine shall include the word "concentrate" in direct conjunction with and in the same size and kind of type as the class or type designation.

(c) "Substandard wine" is any wine of class 1 or 6, containing in 100 cubic centimeters (20° C.) in the case of light

red wine more than 0.14 gram exclusive of sulphur dioxide, and in the case of light white wine more than 0.12 gram exclusive of sulphur dioxide, and in the case of fortified wine more than 0.12 gram exclusive of sulphur dioxide, of volatile acids calculated as acetic acid; and the label for such wine shall include in direct conjunction with and in the same size and kind of type as the class or type designation, the words "substandard quality."

Sec. 22. Blends.—Each of the foregoing classes or types includes a blend of wines conforming to the definition of that class or type.

Sec. 23. Grape type designations.—(a) The name of a variety of grape which is also the designation of a type of wine may be employed as the designation of a wine only if the wine (1) conforms to the type, and (2) derives at least 51 percent of its volume from that variety of grape.

The following are examples of names of some grape varieties which are also designations of types of wine: Niagara, Delaware, Zinfandel, Catawba, Riesling, Norton, Ives, Cabernet, and Barbera.

Sec. 24. Geographic type designations.—(a) A name of geographic significance which is also the designation of a type of wine (other than type designations found by the Administrator under subsection (b) to have become generic) shall not be applied to a wine of any place or region other than the particular place or region indicated by the name, unless (1) the wine conforms to the type, and (2) in direct conjunction with such type designation there appears the word "American", "California", "New York State", or some other adjective which will disclose the true place of origin, in lettering substantially as conspicuous and emphatic.

A name of geographic significance which is also the designation of a type of wine shall be used only for a wine conforming to the standard of identity, if any, for such type specified in section 21 of this article, or, if no such standard is specified in such section, then in accordance with the trade understanding of that type. A name of geographic significance which is also the designation of a type of wine shall not be used as the name or part of the name for a wine which is not of that type.

(b) A name of geographic significance which is also the designation of a type of wine shall not be deemed to have become generic unless the Administrator finds that such type designation has by usage and common knowledge lost its geographic significance to such an extent that it has become generic.

Sec. 25. Distinctive designations of specific wines.—(a) A name of geographic significance for a wine of the particular class or type to which it in fact conforms but which is not in and of itself the designation of such class or type, shall be deemed the distinctive designation of a specific wine only if the Administrator finds that such name is known to the consumer and to the trade to distinguish a specific wine of a particular place or region from all other wines, and such distinctive designation shall be used to designate only the specific wine of the particular place or region indicated by such name.

The following are examples of names of geographic significance which are also distinctive designations of specific wines: Chateau d'Yquem, Chateau Margaux, Chateau Lafite, Schloss Johannisberger, Pommard, Rhone, Liebfraumilch, Lacryma Christi, Lagrima, Bordeaux Blanc, Bordeaux Rouge, Medoc, Graves, St. Julien, Chambertin, Montrachet, Rudesheimer, Forster Deidesheimer.

ARTICLE III. LABELING REQUIREMENTS FOR WINE

Sec. 30. General.—(a) *Application of this article.*—No person engaged in business as a producer, rectifier, blender, importer, or wholesaler, directly or indirectly or through an affiliate, shall sell or ship or deliver for sale or shipment, or otherwise introduce in interstate or foreign commerce, or receive therein, or remove from customs custody, any wine in containers unless such wine is packaged, and such packages are marked, branded, and labeled in conformity with this article. Wine domestically bottled or packed prior to

March 1, 1936, and imported wine entered in customs bond in containers prior to that date shall be regarded as being packaged, marked, branded, and labeled in accordance with this article, if the labels on such wine (1) bear all the mandatory label information required by section 32 below, even though such information is not set forth in the manner and form as required by section 32 and other sections of this article referred to thereon, and (2) bear no statements, designs, or devices which are false or misleading.

(b) *Alteration of labels.*—(1) It shall be unlawful for any person to alter, mutilate, destroy, obliterate, or remove any mark, brand, or label upon wine held for sale in interstate or foreign commerce or after shipment therein, except as authorized by Federal law: *Provided*, That the Administrator may, upon written application, permit additional labeling or relabeling of wine in containers, if, in his judgment, the facts show that such additional labeling or relabeling is for the purpose of compliance with the requirements of this article or of State law.

(2) Application for permission to relabel shall be accompanied by two complete sets of the old labels and two complete sets of any proposed labels, together with a statement of the reasons for relabeling, the quantity and the location of the wine, and the name, address, and permit number of the person by whom it will be relabeled.

Sec. 31. Misbranding.—Wine in containers shall be deemed to be misbranded—

(a) If the container fails to bear on it a brand label (or a brand label and other permitted labels) containing the mandatory label information as required by this article and conforming to the general requirements specified herein.

(b) If the container or any label on the container or any individual covering, carton, or other wrapper of the container used for sale at retail (other than a shipping carton, covering, or wrapper of the container) or any written, printed, graphic, or other matter accompanying the container to the consumer buyer contains any statement, design, device, or graphic, pictorial, or emblematic representation that is prohibited by this article.

(c) If the container is in an individual carton, covering, or other wrapper used for sale at retail (other than a shipping carton, covering, or wrapper of the container) displaying thereon any written, printed, graphic, or other matter, other than the name and address of the producer, importer, or person by whom bottled or packed (and in addition the name and address of the person for whom bottled or packed), and such individual covering, carton, or other wrapper obscures the mandatory label information required to be stated, and such individual covering, carton, or other wrapper fails to reproduce on it, in the same manner, all information so obscured; or if any statement required by this article to appear upon the label, or upon such individual covering, carton, or other wrapper, is obscured in any other manner or is modified in any manner.

Sec. 32. Mandatory label information.—There shall be stated—

(a) On the brand label—

(1) Brand name, in accordance with section 33 below.
(2) Class, type, or other designation, in accordance with section 34 below.

(3) Name and address (except as provided in subdivision (c) of this section), in accordance with section 35 below.

(4) On blends consisting of foreign and domestic wines, if any reference to the presence of foreign wine is made, the exact percentage by volume of foreign wine.

(b) On the brand label, or on a separate label affixed in immediate proximity thereto on the same side of the container—

(5) Alcoholic content, in accordance with section 36 below.

(6) Net contents, in accordance with section 37 below.

(c) On the brand label, or on a separate label affixed in immediate proximity thereto on the same side of the container, or on a back label—

(7) In case of imported wines, the name and address of the importer, in accordance with section 35 below.

SEC. 33. *Brand names.*—(a) *General.*—The wine shall bear a brand name, except that if wine is not sold under a brand name, then the name of the person required to appear on the brand label shall be deemed a brand name for the purpose of this article.

(b) *Brand names of geographical significance.*—The word "brand" shall be stated in direct conjunction with and in lettering at least one-half as large as any geographical brand name which, either alone or by reason of any statement, design, or device appearing upon the label, tends to create the impression that the wine was made from grapes or other materials grown and fermented in a particular place or region, unless the wine was made from grapes or other materials, at least 75 percent of which were grown and fermented in such place. The Administrator may require additional appropriate language which will disclose the true place of origin if the word "brand" does not sufficiently negative any false impression created by the use of such brand name.

(c) This section shall not apply to the use by any person of any trade name or brand of foreign origin not effectively registered in the United States Patent Office on August 29, 1935, which has been used by such person or his predecessors in the United States for a period of at least 5 years immediately preceding August 29, 1935: *Provided*, That if such trade name or brand is used, it shall be qualified by the name of the locality in the United States in which the product was produced, and provided such qualification shall be in script, type, or printing as emphatic and conspicuous as the trade name or brand which it qualifies, and shall be in direct conjunction therewith.

SEC. 34. *Class, type, and distinctive designations.*—(a) The class of the wine shall be stated, except that in the case of light wines, fortified wines, and champagne, the type designation or a name of geographic significance which is the distinctive designation of a specific wine, may be stated in lieu of the class designation. In addition to the statement of class, there may also be stated the type designation, or a name of geographic significance which is the distinctive designation of a specific wine. The type or distinctive designation shall be stated in direct conjunction with and in lettering not greater than twice the size of the statement of class.

(b) The class or type stated shall be in conformity with article II of these regulations, if the wine is of a class or type defined therein. If the wine is not of a class or type defined in such article, then it shall be labeled in conformity with the designation of such product as known to the trade. If there is no trade designation, then in lieu of the statement of class or type there shall appear a distinctive or fanciful name together with an adequate and truthful statement of the composition of the product.

(c) A white sparkling wine having the taste, aroma, and characteristics generally attributed to champagne but not otherwise conforming to the standard for "champagne" set forth in article II of these regulations may, in addition to but not in lieu of the class designation "Sparkling wine", be further designated as "Champagne style" or "Champagne type" or "American (or New York State, California, etc.) Champagne—Bulk process"; all the words in any such further designation shall be equally conspicuous and shall appear in direct conjunction with and in lettering not greater than one-half the size of the words "Sparkling wine."

SEC. 35. *Name and address.*—

(a) *Domestic wine.*—On labels of containers of domestic wine, there shall be stated the name of the bottler or packer and the place where bottled or packed (or in lieu of such place, the principal place of business of the bottler or packer if in the same State where the wine was bottled or packed) immediately preceded by the words "Bottled by", or "Packed by", except that—

(1) If the bottler or packer is also the person who made not less than 75 percent of such wine by crushing the grapes or other materials, fermenting the must and clarifying the resulting wine, there may be stated, in lieu of the words

"Bottled by" or "Packed by" the words "Produced and bottled by" or "Produced and packed by."

(2) If the bottler or packer has also either manufactured or treated the wine, otherwise than as described in (1) above, there may be stated, in lieu of the words "Bottled by" or "Packed by", the phrases "Blended and bottled (packed) by", "Rectified and bottled (packed) by", "Prepared and bottled (packed) by", "Made and bottled (packed) by", or "Manufactured and bottled (packed) by", as the case may be.

(3) In addition to the name of the bottler or packer and the place where bottled or packed (but not in lieu thereof) there may be stated the name and address of any other person for whom such wine is bottled or packed, immediately preceded by the words "Bottled for" or "Packed for" or "Distributed by" or other similar statement; or the name and principal place of business of the rectifier, blender, manufacturer, or maker, immediately preceded by the words "Rectified by", "Blended by", "Manufactured by", or "Made by", respectively.

(b) *Imported wine.*—On labels of containers of imported wine, there shall be stated the words "Imported by" or a similar appropriate phrase, and immediately thereafter the name of the permittee who is the importer, agent, sole distributor, or other person responsible for the importation, together with the principal place of business in the United States of such person. In addition, but not in lieu thereof, there may be stated the name and principal place of business of the foreign manufacturer, producer, blender, rectifier, maker, bottler, packer, or shipper, preceded by the phrases "Manufactured by", "Produced by", "Blended by", "Rectified by", "Made by", "Bottled by", "Packed by", or "Shipped by", respectively.

(1) If the wine is bottled or packed in the United States, there shall be stated, in addition, the name of the bottler or packer and the place where bottled or packed immediately preceded by the words "Bottled by", or "Packed by."

(2) If the wine is blended, bottled, or packed in a foreign country other than the country of origin and the country of origin is stated or otherwise indicated on the label, there shall also be stated the name of the bottler, packer, or blender, and the place where bottled, packed, or blended, immediately preceded by the words "Bottled by", "Packed by", "Blended by", or other appropriate statement.

(c) The "place" stated shall be the post-office address, except that the street address may be omitted. No additional places or addresses shall be stated for the same person unless (1) such person is actively engaged in the conduct of an additional bona fide and actual alcoholic beverage business at such additional place or address, and (2) the label also contains in direct conjunction therewith, appropriate descriptive material indicating the function occurring at such additional place or address in connection with the particular product.

(d) *Trade names.*—The trade name of any permittee appearing upon any label shall be identical with the name in which his basic permit is issued by the Administrator.

SEC. 36. *Alcoholic content.*—(a) Alcoholic content shall be stated in the case of wines containing more than 14 percent of alcohol by volume, and, in the case of wines containing less than 14 percent of alcohol by volume, the alcoholic content may, but need not, be stated. Any statement of alcoholic content shall be made as prescribed in (b) below.

(b) Alcoholic content shall be stated in per centum of alcohol by volume, and not otherwise, as provided in either subparagraph (1) or (2) below:

(1) "Alcohol -----% by volume." Alcoholic content when stated in the foregoing manner, shall be within an accuracy of one degree either above or below such percentage statement.

(2) "Alcohol -----% to -----% by volume." Alcoholic content, when stated in the foregoing manner, shall be stated by a minimum and maximum percentage, with a range of not more than two degrees, and no tolerances will be permitted either below such minimum or above such maximum.

SEC. 37. *Net contents.*—(a) Except as provided in subsection (b), the net contents shall be stated as follows:

(1) If 1 pint, 1 quart, or 1 gallon, the net contents shall be so stated.

(2) If less than a pint, the net contents shall be stated in fractions of a pint, or in fluid ounces.

(3) If more than a pint, but less than a quart, the net contents shall be stated in fractions of a quart, or in pints and fluid ounces.

(4) If more than a quart, but less than a gallon, the net contents shall be stated in fractions of a gallon, or in quarts, pints, and fluid ounces.

(5) If more than a gallon, the net contents shall be stated in gallons and fractions thereof.

(b) If the metric system of measure is employed, the following units, and none other, may be used: $\frac{1}{2}$ liter, liter, $1\frac{1}{2}$ liter.

(c) All fractions shall be expressed in their lowest denomination.

(d) The net contents need not be stated on any label if the net contents are displayed by having the same blown or branded in the container on the same side of the container as the brand label, in letters or figures in such manner as to be plainly legible under ordinary circumstances, and such statement is not obscured in any manner in whole or in part.

(e) Statement of net contents shall indicate exactly the volume of wine within the container, except that the following tolerances shall be allowed:

(1) Discrepancies due exclusively to errors in measuring which occur in filling conducted in compliance with good commercial practice.

(2) Discrepancies due exclusively to differences in the capacity of containers, resulting solely from unavoidable difficulties in manufacturing such containers so as to be of uniform capacity: *Provided*, That no greater tolerance shall be allowed in case of containers which, because of their design, cannot be made of approximately uniform capacity than is allowed in case of containers which can be manufactured so as to be of approximately uniform capacity.

(3) Discrepancies in measure due to differences in atmospheric conditions in various places and which unavoidably result from the ordinary and customary exposure of alcoholic beverages in containers to evaporation. The reasonableness of discrepancies under this paragraph shall be determined on the facts in each case.

(f) Unreasonable shortages in certain of the containers in any shipment shall not be compensated by overages in other containers in the same shipment.

SEC. 38. *General requirements.*—(a) *Contrasting background.*—All labels shall be so designed that all the statements thereon required by this article are readily legible under ordinary conditions, and all such statements shall be on a contrasting background.

(b) *Size of type.*—All statements required on labels by this article shall be in readily legible script, type, or printing not smaller than 8-point gothic caps except that if contained among other descriptive or explanatory reading matter, the script, type, or printing of all required material shall be of a size substantially more conspicuous than such other descriptive or explanatory reading matter: *Provided*, That in the case of labels on containers having a capacity of less than one-half pint, such script, type, or printing thereon need not be in 8-point gothic caps, but shall be readily legible under ordinary conditions.

(c) *English language.*—All mandatory label information shall be stated on labels in the English language: *Provided*, That the brand name, the place of production, and the name of the manufacturer, producer, blender, rectifier, maker, bottler, packer, or shipper appearing on the label need not be in the English language if the words "Product of" immediately precede the name of the country of origin stated in accordance with customs' requirements. Additional statements in foreign languages may be made on labels, if no such statements in any way conflict with, or are contradictory to, the requirements of this article.

(d) *Location of label.*—No label, other than stamps authorized or required by the United States Government or any State or foreign government, shall be affixed over the mouths of containers of wine, and no label shall obscure any such stamps or be obscured thereby.

(e) *Labels firmly affixed.*—All labels shall be affixed to containers of wine in such manner that they cannot be removed without thorough application of water or other solvents.

(f) *Additional information on labels.*—Labels may contain information other than the mandatory label information required by this article, provided such information complies with the requirements of this article and does not conflict with, nor in any manner qualify statements required by, any regulations promulgated under the act.

(g) *Representations as to materials.*—If any representation (other than representations or information required by this article) is made as to the presence, excellence, or other characteristic of any ingredient in any wine, or used in the production thereof, the label containing such representation shall state, in print, type, or script, substantially as conspicuous as such representation, the name and amount in percent by volume of each such ingredient.

(h) Upon request of the Administrator, there shall be submitted to him a full and accurate statement of the contents of the containers to which labels are to be or have been affixed.

SEC. 39. *Prohibited practices.*—(a) *Statements on labels.*—Containers of wine, or any label on such containers, or any individual covering, carton, or other wrapper of such container, or any written, printed, graphic, or other matter accompanying such container to the consumer shall not contain—

(1) Any statement that is false or untrue in any particular, or that, irrespective of falsity, directly or by ambiguity, omission, or inference, or by the addition of irrelevant, scientific, or technical matter, tends to create a misleading impression.

(2) Any statement that is disparaging of a competitor's products.

(3) Any statement, design, device, or representation which is obscene or indecent.

(4) Any statement, design, device, or representation of or relating to analyses, standards, or tests, irrespective of falsity, which the Administrator finds to be likely to mislead the consumer.

(5) Any statement, design, device, or representation of or relating to any guaranty, irrespective of falsity, which the Administrator finds to be likely to mislead the consumer.

(6) A trade or brand name that is the name of any living individual of public prominence, or existing private or public organization, or is a name that is in simulation or is an abbreviation thereof, or any graphic, pictorial, or emblematic representation of any such individual or organization, if the use of such name or representation is likely falsely to lead the consumer to believe that the product has been endorsed, made, or used by, or produced for, or under the supervision of, or in accordance with the specifications of, such individual or organization: *Provided*, That this subsection shall not apply to the use of the name of any person engaged in business as a producer, blender, rectifier, importer, wholesaler, retailer, bottler, or warehouseman of wine, nor to the use by any person of a trade or brand name that is the name of any living individual of public prominence or existing private or public organization, provided such trade or brand name was used by him or his predecessors in interest prior to August 29, 1935.

(b) *Statement of age.*—No statement of age or representation relative to age (including words or devices in any brand name or mark) shall be made, except that—

(1) In the case of domestic vintage wine bottled or packed in containers by the permittee who crushed the grapes, fermented the must, and clarified such wine, the year of vintage may be stated but only if there is likewise stated on the brand label, in direct conjunction with the class, type, or distinctive designation, and in lettering substantially as conspicuous as such designation, the name of the viticultural

area in which the grapes were grown and the wine fermented.

(2) In the case of domestic vintage wine rebottled in containers of a capacity of 1 gallon or less by a person other than the producer thereof, the year of vintage may be stated but only if the container from which such wine is bottled is the original container of the permittee who produced such wine, and such container bears upon the brand label thereof a vintage date. If the year of vintage is stated upon the brand label of wine so rebottled, there shall also be stated the name of the viticultural area, and the class, type, or distinctive designation of the wine, in the same manner and form as such statements appear on the brand label of the original container.

(3) In the case of imported vintage wine, the year of vintage may be stated if such wine was bottled prior to importation in containers of 1 gallon or less.

(c) *Statement of bottling dates.*—The statement of any bottling date shall not be deemed to be a representation relative to age, if such statement appears in lettering not greater than 8-point gothic caps and in the following form: "Bottled in _____" (inserting the year in which the wine was bottled).

(d) *Use of the word "Old."*—The use of the word "Old" or other word denoting age, as part of the brand name, shall not be deemed to be a representation relative to age, if the word "brand" appears in direct conjunction with such brand name, in letters of equally conspicuous color and at least one-half the size of the lettering in which such brand name is printed.

(e) *Statement of miscellaneous dates.*—No date, except as provided in subsections (b) and (c) hereof with respect to statement of vintage year and bottling date, shall be stated on any label unless in addition thereto and in direct conjunction therewith, in the same size and kind of printing, there shall be stated an explanation of the significance of such date: *Provided*, That if any date refers to the date of establishment of any business, such date shall not be stated in the case of containers of a capacity of 1 gallon or less in any printing, type, or script, larger than 8-point gothic caps, and shall only be stated in direct conjunction with the name of the person to whom it refers.

(f) *Simulation of Government stamps.*—(1) No label shall be of such design as to resemble or simulate a stamp of the United States Government or any State or foreign government. No label, other than stamps authorized or required by the United States Government or any State or foreign government, shall state or indicate that the wine contained in the labeled container is produced, blended, bottled, packed, or sold under, or in accordance with, any municipal, State, or Federal Government authorization, law, or regulation, unless such statement is required or specifically authorized by Federal, State, or municipal law or regulation, or is required or specifically authorized by the laws or regulations of a foreign country. If the municipal, State, or Federal Government permit number is stated upon a label, it shall not be accompanied by any additional statement relating thereto.

(2) Bonded winery and storeroom numbers may be stated but only in direct conjunction with the name and address of the person operating such winery or storeroom. Statement of bonded winery or storeroom numbers may be made in the following form: "Bonded Winery No. __", "B. W. No. __", "Bonded Storeroom No. __", "B. S. No. __". No additional reference thereto shall be made, nor shall any use be made of such statement that may convey the impression that the wine has been made or matured under Government supervision or in accordance with Government specifications or standards.

(g) *Use of the word "Importer", or similar words.*—The word "Importer", or similar words, shall not be stated on labels on containers of domestic wine except as part of the bona fide name of a permittee for or by whom, or of a retailer for whom, such wine is bottled or packed: *Provided*, That in all cases where such words are used as part of such name, there shall be stated on the same label the words "Product of the United States", or similar words to negative any im-

pression that the product is imported, and such negative statements shall appear in the same size and kind of printing as such name.

(h) *Statements, seals, flags, coats of arms, crests, and other insignia.*—Statements, seals, flags, coats of arms, crests, or other insignia, or graphic or pictorial or emblematic representations thereof, likely to mislead the consumer to believe that the product has been endorsed, made, or used by, or produced for, or under the supervision of, or in accordance with the specifications of, the government, organization, family, or individual with whom such seal, flag, coat of arms, crest, or insignia is associated, are prohibited on any label of wine.

(i) *Curative and therapeutic effects.*—Labels shall not contain any statement, design, or device representing that the use of any wine has curative or therapeutic effects if such statement is untrue in any particular or tends to create a misleading impression.

(j) *Geographical statements indicative of source of materials.*—No statement, design, device, or representation of geographical significance, which creates the impression or tends to create the impression that the wine was made in a particular locality or viticultural area or was made from grapes or other materials grown in a particular locality or viticultural area, shall appear on any label unless the wine is in fact a wine made from grapes or other materials at least 75 percent of which were grown and fermented in the locality or viticultural area indicated by such statement, design, device, or representation. Examples of such statements, designs, devices, or representations of geographical significance are: The word "American" in the phrase "American Port"; the word "California" in the phrases "California Burgundy" and "California Johannisberg-Reisling"; the words "Lake Erie" in the phrase "Lake Erie Catawba"; the words "Napa Valley" in the phrase "Napa Valley Gutedel"; the words "New York State" in the phrase "New York State Champagne"; the word "Spanish" in the phrase "Spanish light wine."

(k) *Individual coverings and cartons.*—Individual coverings, cartons, or other wrappers of containers of wine, or any written, printed, graphic, or other matter accompanying the container, shall not contain any statement or any graphic, pictorial, or emblematic representation or other matter which is prohibited from appearing on any label or container of wine.

ARTICLE IV. REQUIREMENTS FOR WITHDRAWAL OF WINE FROM CUSTOMS CUSTODY

SEC. 40. *Label approval and release.*—(a) On or after March 1, 1936, imported wine shall not be released from customs custody for consumption, except pursuant to procedure and forms prescribed by this article.

(b) No imported wine shall be released from customs custody unless there shall have been deposited with the appropriate customs officer at the port of entry an "Affidavit for release of imported wine" (Form L. 12), which document shall be properly filled out and sworn to by the importer or transferee in bond, covering the particular brand or lot of wine sought to be released, and which document shall be accompanied by the original or a photostatic copy firmly attached thereto of a "Certificate of label approval and release for imported wine" (Form L. 11).

Such certificate shall be issued by the Administrator upon application made on the form designated "Application for approval of labels for imported wine" (Form L. 10), properly filled out and certified to by the importer or transferee in bond.

(c) *Release.*—If the "Affidavit for release of imported wine" (Form L. 12) is accompanied by the original or a photostatic copy of the "Certificate of label approval and release for imported wine" (Form L. 11), the certificate of which bears the signature of the officer designated by the Administrator, then the brand or lot of imported wine bearing labels identical with those shown on the original or a photostatic copy may be released from customs custody.

(d) *Relabeling.*—Imported wine in customs custody which is not labeled in conformity with certificates of label ap-

proval issued by the Administrator must be relabeled prior to release, under the supervision and direction of the customs officers of the port at which such wine is located.

ARTICLE V. REQUIREMENTS FOR APPROVAL OF LABELS OF WINE DOMESTICALLY BOTTLED OR PACKED

Sec. 50. *Certificates of label approval.*—(a) No person shall bottle or pack wine, other than wine bottled or packed in customs custody, or remove such wine from the plant where bottled or packed, unless upon application to the Administrator he has obtained and has in his possession a "Certificate of approval of labels of wine domestically bottled or packed" (Form L. 14), covering such wine. Such certificate of label approval shall be issued by the Administrator upon application made upon the form designated "Application for approval of labels of wine domestically bottled or packed" (Form L. 13), properly filled out and certified to by the applicant.

(b) Any bottler or packer of wine shall be exempt from the requirements of this article if upon application he shows to the satisfaction of the Administrator that the wine to be bottled or packed by him is not to be sold, offered for sale, or shipped or delivered for shipment, or otherwise introduced in interstate or foreign commerce. A "Certificate of exemption from label approval for wine" (Form L. 16) shall be issued by the Administrator upon application upon the form designated "Application for exemption from wine label approval" (Form L. 15), properly filled out and certified to by the applicant.

Sec. 51. *Exhibiting certificates to Government officials.*—Any bottler or packer holding an original or duplicate original of a certificate of label approval or a certificate of exemption shall, upon demand, exhibit such certificate to a duly authorized representative of the United States Government.

Sec. 52. *Photoprints.*—Photoprints or other reproductions of certificates of label approval or certificates of exemption are not acceptable, for the purposes of this article, as substitutes for an original or duplicate original of a certificate of label approval, or a certificate of exemption. The Administrator will, upon the request of the bottler or packer, issue duplicate originals of certificates of label approval or of certificates of exemption if wine under the same brand is bottled or packed at more than one plant by the same person, and if the necessity for the duplicate original is shown and there is listed with the Administrator the name and address of the additional bottling or packing plant where the particular label is to be used.

ARTICLE VI. ADVERTISING OF WINE

Sec. 60. *Application of this article.*—No person engaged in business as a producer, rectifier, blender, importer, or wholesaler of wine, directly or indirectly or through an affiliate, shall publish or disseminate or cause to be published or disseminated by radio broadcast, or in any newspaper, periodical, or other publication, or by any sign or outdoor advertisement, or any other printed or graphic matter any advertisement of wine, if such advertisement is in, or is calculated to induce sales in, interstate or foreign commerce, or is disseminated by mail, unless such advertisement is in conformity with this article: *Provided*, That this article shall not apply to outdoor advertising in place on June 18, 1935, but shall apply upon replacement, restoration, or renovation of any such advertising; *And provided further*, That this article shall not apply to the publisher of any newspaper, periodical, or other publication, or radio broadcaster, unless such publisher or radio broadcaster is engaged in business as a producer, rectifier, blender, importer, or wholesaler of wine, directly or indirectly, or through an affiliate.

Sec. 61. *Definitions.*—As used in this article—

The term "advertisement" includes any advertisement of wine through the medium of radio broadcast; or of newspapers, periodicals, or other publications; or of any sign or outdoor advertisement; or of any other printed or graphic matter, including trade booklets, menus, and wine cards—if

such advertisement is in, or is calculated to induce sales in, interstate or foreign commerce; or is disseminated by mail; except that such term shall not include—

(a) Any label affixed to any container of wine; or any individual covering, carton, or other wrapper of such container or any written, printed, graphic, or other matter accompanying the container which constitutes a part of the labeling under article III of these regulations.

(b) Any editorial or other reading matter in any periodical or publication or newspaper for the publication of which no money or other valuable consideration is paid or promised, directly or indirectly, by any permittee.

Sec. 62. *Mandatory statements.*—A. *Responsible advertiser.*—The advertisement shall state the name and address of the permittee responsible for its publication or broadcast. Street number and name may be omitted in the address.

B. *Class, type, and distinctive designation.*—The advertisement shall contain a conspicuous statement of the class, type, or distinctive designation to which the product belongs, corresponding with the statement of class, type, or distinctive designation which is required to appear on the label of the product.

C. *Alcoholic content.*—(1) Alcoholic content shall be stated in the case of wine containing more than 14 percent of alcohol by volume, and, in the case of wines containing less than 14 percent of alcohol by volume, the alcoholic content may, but need not, be stated. Any statement of alcoholic content shall be made as prescribed in (2) below.

(2) Alcoholic content shall be stated in per centum of alcohol by volume, and not otherwise, as provided in subparagraphs (a) or (b) below.

(a) "Alcohol ----% by volume." Alcoholic content, when stated in the foregoing manner, shall be within an accuracy of one degree, either above or below such percentage statement.

(b) "Alcohol ----% to ----% by volume." Alcoholic content, when stated in the foregoing manner, shall be stated by a minimum and maximum percentage, with a range of not more than two degrees, and no tolerances will be permitted either below such minimum or above such maximum.

Sec. 63. *Legibility of requirements.*—Statements required under this article to appear in any written, printed, or graphic advertisement shall be in lettering or type of a size sufficient to render them both conspicuous and readily legible.

Sec. 64. *Prohibited statements.*—(a) The advertisement of wine shall not contain—

(1) Any statement that is false or misleading in any material particular.

(2) Any statement that is disparaging of a competitor's products.

(3) Any statement, design, device, or representation which is obscene or indecent.

(4) Any statement, design, device, or representation of or relating to analyses, standards, or tests, irrespective of falsity, which the Administrator finds to be likely to mislead the consumer.

(5) Any statement, design, device, or representation of or relating to any guaranty, irrespective of falsity, which the Administrator finds to be likely to mislead the consumer.

(6) Any statement that the wine is produced, blended, bottled, packed, or sold under, or in accordance with, any municipal, State, or Federal Government authorization, law, or regulations; and if a municipal, State, or Federal permit number is stated, the permit number shall not be accompanied by any additional statement relating thereto.

(7) Any statement of bonded winery and storeroom numbers unless stated in direct conjunction with the name and address of the person operating such winery or storeroom. Statement of bonded winery or storeroom numbers may be made in the following form: "Bonded Winery No. ----", "B. W. No. ----", "Bonded Storeroom No. ----", "B. S. No. ----". No additional reference thereto shall be made, nor shall any use be made of such statement that may convey the impression that the wine has been made or matured

under Government supervision or in accordance with Government specifications or standards.

(b) *Statements inconsistent with labeling.*—The advertisement shall not contain any statement concerning a brand or lot of wine that is inconsistent with any statement on the labeling thereof.

(c) *Statement of age.*—No statement of age or representation relative to age (including words or devices in any brand name or mark) shall be made, except that—

(1) In the case of domestic vintage wine bottled or packed and labeled in accordance with the provisions of subsections (1) and (2) of section 39 (b) hereof, the year of vintage may be stated but only if there is likewise stated, in direct conjunction with the class, type, or distinctive designation of the wine, in lettering substantially as conspicuous as such designation and in the same manner and form as such statements appear on the brand label of the container, the name of the viticultural area in which the grapes were grown and the wine fermented.

(2) In the case of imported vintage wine bottled and labeled in accordance with the provisions of subsection (3) of section 39 (b) hereof, the year of vintage may be stated.

(d) *Statement of bottling dates.*—The statement of any bottling date shall not be deemed to be a representation relative to age, if such statement appears without undue emphasis in the following form: "Bottled in ----" (inserting the year in which the wine was bottled).

(e) *Use of the word "Old."*—The use of the word "old" or other word denoting age, as part of the brand name, shall not be deemed to be a representation relative to age, if the word "brand" appears in direct conjunction with such brand name, in letters of equally conspicuous color and at least one-half the size of the lettering in which such brand name appears.

(f) *Statement of miscellaneous dates.*—No date, except as provided in subsections (c) and (d) hereof, with respect to statement of vintage year and bottling date, shall be stated unless, in addition thereto, and in direct conjunction therewith, in the same size and kind of printing there shall be stated an explanation of the significance of such date: *Provided*, That if any date refers to the date of establishment of any business, such date shall be stated without undue emphasis and in direct conjunction with the name of the person to whom it refers.

(g) *Statements, seals, flags, coats of arms, crests, and other insignia.*—Statements, seals, flags, coats of arms, crests, or other insignia, or graphic or pictorial or emblematic representations thereof, likely to mislead the consumer to believe that the product has been endorsed, made, or used by, or produced for, or under the supervision of, or in accordance with the specifications of the government, organization, family, or individual with whom such seal, flag, coat of arms, crest, or insignia is associated, are prohibited.

(h) *Geographical statements indicative of source of materials.*—No statement, design, device, or representation of geographical significance, which creates the impression or tends to create the impression that the wine was made in a particular locality or viticultural area or was made from grapes or other materials grown in a particular locality or viticultural area, shall appear unless the wine is in fact a wine made from grapes or other materials at least 75 percent of which were grown and fermented in the locality or viticultural area indicated by such statement, design, device, or representation.

(i) *Use of the word "Importer" or similar words.*—The word "Importer" or similar words shall not be stated except as part of the bona fide name of a permittee by or for whom, or of a retailer for whom, such wine is bottled or packed: *Provided*, That in all cases where such words are used as part of such name, there shall be stated the words "Product of the United States", or similar words to negative any impression that the product is imported, and such negative statements shall appear in the same size and kind of printing as such name.

(j) *Curative and therapeutic effects.*—The advertisement shall not contain any statement, design, or device represent-

ing that the use of any wine has curative or therapeutic effects, if such statement is untrue in any particular, or tends to create a misleading impression.

(k) *Confusion of brands.*—Two or more different brands or lots of wine shall not be advertised in 1 advertisement (or in 2 or more advertisements in 1 issue of a periodical or newspaper, or in 1 piece of other written, printed, or graphic matter) if the advertisement tends to create the impression that representations made as to 1 brand or lot apply to the other or others, and if as to such latter the representations contravene any provision of this article or are in any respect untrue.

ARTICLE VII. GENERAL PROVISIONS

SEC. 70. *Exports.*—These regulations shall not apply to wine exported in bond.

SEC. 71. *Effective date.*—Except as otherwise provided herein, these regulations are effective on and after the 1st day of March 1936.

(Signed) FRANKLIN C. HOYT,
Administrator,
Federal Alcohol Administration.

Approved, December 30, 1935.

(Signed) H. MORGENTHAU, Jr.,
Secretary of the Treasury.

[Filed, March 31, 1936; 12:50 p. m.]

REGULATIONS NO. 4

AMENDMENT NO. 1

Article III, Section 30 (a), and Article IV, Section 40 (a), of Regulations No. 4, Relating to Labeling and Advertising of Wine, are hereby amended by striking out the date "March 1, 1936" and substituting in lieu thereof the date "December 15, 1936."

Article VI, Section 64 (b) of said regulations is amended by adding thereto a new sentence as follows: "This requirement shall become effective December 15, 1936."

Article VII, Section 71, of said regulations, is amended to read as follows:

SEC. 71. *Effective Dates.*—Articles I, II, and VI of these regulations, except as otherwise provided, are effective on and after May 1, 1936. Articles III, IV, and V of these regulations, except as otherwise provided, are effective on and after December 15, 1936.

(Signed) W. S. ALEXANDER,
Administrator,
Federal Alcohol Administration.

Approved, February 29, 1936.

(Signed) WAYNE C. TAYLOR,
Acting Secretary of the Treasury.

[Filed, March 31, 1936; 12:50 p. m.]

DEPARTMENT OF AGRICULTURE.

Food and Drug Administration.

CORRECTION OF PARAGRAPH 81 OF SERVICE AND REGULATORY ANNOUNCEMENTS

[Food and Drug No. 4, Third Revision, Supplement No. 1]¹

CANNED MUSHROOMS

Substandard Fill Statement

81. Canned mushrooms which fail to meet the above requirement shall bear the substandard statement in the form and manner prescribed in paragraph 10 (2):

GENERAL FORM OF STATEMENT REQUIRED ON CANNED FOODS OF SUBSTANDARD FILL

10. Canned foods which fail to meet the above standard shall bear the substandard statement, in the form and manner prescribed in paragraph 1. The first line of the legend shall be "Below U. S. Standard." The explanatory statement shall be:

(1) In the case of excess head space only:

"SLACK FILL"

(2) In the case of excess packing medium, whether or not the head space is excessive, the two-line statement:

"SLACK FILL

CONTAINS EXCESS ADDED LIQUID"

¹ 1 F. R. 53; March 24, 1936.

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.

SUPPLEMENT TO REGULATION T

[Effective April 1, 1936]

MAXIMUM LOAN VALUES OF REGISTERED SECURITIES (OTHER THAN EXEMPTED SECURITIES) FOR PURPOSES OF REGULATION T

Pursuant to the provisions of section 7 of the Securities Exchange Act of 1934 and section 3 of its Regulation T, as amended, the Board of Governors of the Federal Reserve System hereby prescribes the following maximum loan values of registered securities (other than exempted securities) for the purposes of Regulation T:

(1) *General rule.*—Except as provided in paragraphs (2) and (3) of this supplement, the maximum loan value of a registered security (other than an exempted security) shall be 45 per cent of the current market value of the security.

(2) *Extension of credit to other members, brokers, and dealers.*—The maximum loan value of a registered security (other than an exempted security) in a special account with another member, broker, or dealer, which special account complies with subsection (b) of section 3 of Regulation T, as amended, shall be 60 per cent of the current market value of the security.

(3) *Extension of credit to distributors, syndicates, etc.*—The maximum loan value of a registered security (other than an exempted security) in a special account with a distributor, syndicate, etc., which special account complies with subsection (c) of section 3 of Regulation T, as amended, shall be 80 percent of the current market value of the security.

[The above supplement was approved on March 24, 1936, by the Board of Governors of the Federal Reserve System and becomes effective on April 1, 1936.]

[SEAL]

CHESTER MORRILL, *Secretary.*

[Filed, March 30, 1936; 3:02 p. m.]

FEDERAL HOME LOAN BANK BOARD.

SETTLEMENT, COMPROMISE, OR ADJUSTMENT OF CLAIMS BY OR AGAINST THE CORPORATION; OUTSTANDING TITLE INTERESTS; PRIOR LIENS OR EQUITIES; BIDDING AT LAND SALE PROCEEDINGS AND LIMITATION OF BIDS; ACCEPTANCE OF VOLUNTARY DEEDS

Be It Resolved. That pursuant to the authority vested in the Board by Home Owners' Loan Act of 1933 (48 Stat. 128, 129) as amended by Sections 1 and 13 of the Act of April 27, 1934 (48 Stat. 643-647), and particularly by Sections 4-a and 4-k of said Act as amended, Section 15-a-(3) of Chapter VI of the State Manual be amended to read as follows:

The General Counsel or an Associate General Counsel is authorized, with the concurrence of the General Manager or a Deputy General Manager: (a) to effect settlement, compromise, or adjustment of any claim or matter in which the Corporation may be interested or involved, whether such claim or matter be in litigation or whether its settlement, compromise, or adjustment be purposed to avoid probable litigation; (b) to expend funds to dispose of any outstanding interest necessary to perfect the title to property mortgaged to or held by the Corporation or to purchase or pay off any prior lien or equity; (c) to allow the Regional Manager with the approval of the Regional Counsel, where the Corporation's mortgage or other security instrument is being enforced through sale of the property, to give specific instructions relating to bidding in each particular case, provided that in no case shall the bid of Home Owners' Loan Corporation be in excess of an amount which will protect it from loss; and (d) to prescribe procedure directing and governing the acceptance of voluntary deeds in relation to which they may, in their discretion, issue suitable instructions which may include the expenditure of Corporation funds to satisfy intervening junior liens, provided that no sum shall be paid to any borrower for a release without the approval of the Board of Directors.

I hereby certify that the above is a true and correct copy of a resolution adopted by the Federal Home Loan Bank Board on March 30, 1936.

H. R. TOWNSEND, *Assistant Secretary.*

[Filed, March 31, 1936, 11:04 a. m.]

RESETTLEMENT ADMINISTRATION.

ADMINISTRATION ORDER 102 (REVISION 1)

PREFERENTIAL ACTION ON APPLICATIONS OF VETERANS OF ARMED FORCES OF THE UNITED STATES

MARCH 30, 1936.

1. Purpose:

(a) This Order prescribes the policy with regard to special consideration of applications of veterans of armed forces of the United States for benefits of the program of the Resettlement Administration.

2. Policy Regarding Veterans' Applications:

(a) The basic requirement that families, participating in the benefits offered by the Resettlement Administration, come from the destitute or low-income group, as prescribed in Administration Order 41 (Revision 1) and Administration Order 105 (Revision 2), cannot be waived.

(b) However, preferential consideration will be given applications of veterans of armed forces of the United States who have applied for benefits of the program of the Resettlement Administration.

3. Preferential Handling of Veterans' Applications:

(a) Applications forwarded by Veterans' Administration:

I. Veterans' applications received by the Resettlement Administration from the Veterans' Administration will be forwarded to the Rural Rehabilitation Division, Washington, D. C.

II. The Rural Rehabilitation Division will maintain in Washington suitable records on such applications and will institute special procedure to insure their expeditious and preferential handling.

III. Applications coming to the Resettlement Administration with the approval of the Veterans' Administration will be investigated directly by county Rural Rehabilitation supervisors. If this preliminary investigation indicates that the most satisfactory solution of an eligible veteran's problem involves his consideration as applicant for resettlement in a project, the county Rural Rehabilitation supervisor will refer the case, through the state and regional directors to the regional supervisor of family selection for immediate handling.

IV. Applications coming to the Resettlement Administration from the Veterans' Administration *without approval* will be referred to the appropriate public welfare agency authorized to determine need for public aid, with the request that they be given prompt consideration.

V. Details of procedure necessary for referrals and the maintenance of records in connection with applications forwarded by the Veterans' Administration are prescribed in Administration Instruction 31 (Revision 1).

(b) All Other Veterans:

I. Applications of all other veterans applying for Resettlement Administration benefits will be given preferential handling.

(Signed) R. G. TUGWELL, *Administrator.*

[Filed, March 31, 1936; 12:02 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

UNITED STATES OF AMERICA—BEFORE THE SECURITIES AND EXCHANGE COMMISSION

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 30th day of March, A. D., 1936.

Commissioners: James M. Landis, Chairman; George C. Mathews, Robert E. Healy, J. D. Ross, William O. Douglas.

File No. 31-104

In the matter of the application of the Lehigh Coal and Navigation Company.

ORDER AUTHORIZING HEARING AND DESIGNATING OFFICER TO CONDUCT PROCEEDINGS

An application having been duly filed with this Commission, by the Lehigh Coal and Navigation Company, pursuant

to Section 2 (a) (7) of the Public Utility Holding Company Act of 1935.

It is ordered, that the matter be set down for hearing on the 15th day of April 1936, at 2:00 o'clock in the afternoon of that day at Room 1101, Securities and Exchange Building, 1778 Pennsylvania Avenue N. W., Washington, D. C.; and

It is further ordered, that Robert P. Reeder, an officer of the Commission, be and he hereby is designated to preside at such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered, that any interested state, state commission, state securities commission, municipality, or other political subdivision of a state, or any representative of interested consumers or security holders, or any other person, desiring to be admitted as a party in this proceeding or to offer evidence in this matter, shall give notice of such intention to the Commission, such notice to be received by the Commission not later than April 7, 1936.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[Filed, March 31, 1936; 11:56 a. m.]